# Commission on Victims in the Courts

# Friday, September 21, 2012

10:00 a.m. to 12:00 p.m. State Courts Building 1501 W. Washington, Phoenix, AZ 85007 Conference Room 119 B APPROVED: 01/25/2013

**Present:** Judge Ronald Reinstein, Chair, Michael Breeze, Shelly Corzo, Sydney Davis, Captain Larry Farnsworth, Daisy Flores-telephonically, Kirstin Flores, Keli Luther, Jim Markey, Judge Anna Montoya-Paez-telephonically, Pam Moreton, Elizabeth Ortiz, Judge Douglas Rayes, Judge Antonio Riojas Jr.-telephonically, Judge Richard Weiss, Cindy Winn

**Absent/Excused:** James Belanger, Judge Peter Cahill, Dr. Kathryn Coffman, JoAnn Del Colle, Karen Duffy, Judge Elizabeth Finn, Leslie James, Judge Evelyn Marez, Judge William O'Neil, Doug Pilcher

**Presenters/Guests:** Kim Knox, Maricopa County Finance; Mark Meltzer, AOC; Scott Loos, Maricopa County Superior Court; Amy Wood, AOC

Staff: Carol Mitchell, AOC; Jerri Medina, AOC

# I. Regular Business

## A. Welcome and Opening Remarks

The September 21, 2012 meeting of the Commission on Victims in the Courts (COVIC) was called to order by Chair, Honorable Ronald Reinstein, at 10:03 a.m.

Judge Reinstein welcomed newest member Kirsten Flores, Director of the Attorney General's Office Victim Services Division. He also announced that JoAnn Del Colle will soon be retiring from the City of Phoenix.

Judge Reinstein thanked Shelly Corzo and Keli Luther for speaking at the new judge orientation last week on victims' issues. Shelly was able to share her impact statement that she personally dealt with as a victim.

# B. Approval of May 11, 2012 Minutes

The chair called for any omissions or corrections to the minutes from May 11, 2012, meeting of COVIC, there were none.

The draft minutes from the May 11, 2012, meeting of COVIC were presented for approval. Motion was seconded and passed.

## C. Approval of 2013 COVIC Meeting Dates

January 25, 2013 May 17, 2013 October 25, 2013

Motion was seconded and passed.

#### II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

#### A. Criminal Restitution Orders - Frequently Asked Questions

Ms. Kim Knox, Maricopa County Finance Collections Unit discussed the frequently asked questions developed by Maricopa County that are currently on their website. She went on to explain that Maricopa has one of the top restitution collection rates across the United States.

This list compiled of "Frequently Asked Questions" is for the restitution collections website, below is the link to the pdf version on the Maricopa County website: http://www.maricopa.gov/Finance/PDF/Financial%20Services/Collections/CCU %20FAQ 20120718.pdf

It is available to all to put it on other victim websites or create a direct link to the Maricopa County website. Additionally, she shared how Maricopa handles cases and continued to offer her expertise with other counties seeking more information. <a href="http://www.maricopa.gov/Finance/collections.aspx">http://www.maricopa.gov/Finance/collections.aspx</a> - (pdf file)

# B. Update from the Committee on the Impact of Wireless Mobile Technology and Social Media on Court Proceedings

Mr. Mark Meltzer, Administrative Office of the Courts (AOC) discussed revisions to Rule 122 which applies to the use of cameras in the courtroom. The committee decided to look at the rule in its entirety as it impacts courts with this new technology. The committee has been unable to find any other statute or rule that prohibits the photography of crime victims. If this committee has knowledge of a statue please forward that information back to the wireless committee. Below are a few of the issues that have been identified and he is seeking COVIC's input on how best to proceed.

The wireless committee is considering a rule that allows the judge to address camera coverage directly with the victim; thus allowing the victim the right to privacy, dignity and freedom from harassment.

The committee considered three scenarios:

- blanket coverage for all victims.
- 2) each victim has a right to decline camera coverage through discussions with the judge,

3) allowing the victim to request "no camera" in advance of trial.

COVIC committee members discussed the process of serving notice of victims' choices verses victim notification at the trial. The committee preferred a blanket coverage rule to "opt out" verses to "opt in" for what is considered a victim's constitutional right to privacy. A statute that is similar to the juror provision currently in place. With the preference of opting out as the choice, the victim does not have the responsibility to request the privacy.

The wireless committee modified the media request to seven days prior to the trial date or at the minimum 48 hours in special circumstances.

#### C. Technical Revision to A.C.J.A §5-204

Ms. Carol Mitchell, Administrative Office of the Courts (AOC) discussed minor changes to ACJC §5-204. AOC adopted an amendment that revised the definition of victim, added notice posting requirements and other technical changes based on the last legislative session.

# D. Language Access and Victim Issues

Mr. Scott Loos, Interpreter for Maricopa County Superior Court, explained the planning process that Maricopa does to ensure smoother interpreter services for a victim and/or the witness during court procedures. The Interpreter Department of Maricopa County uses some of the following policies and procedures which have been aided by the use of an IGA with their county justice partners:

- An early identification of interpreter needs for the victim/witness which enables victims to present their case in court.
- Victim access to translated materials prior to the court date enabling them to understand and know what to expect throughout the case process.
- The appointment of a separate interpreter for the both defendant and the victim/witness.
- The use of "interpreter" days as a calendaring control tool.

Mr. Loos encouraged other courts to assess their language services. Judge Reinstein asked if AOC would survey courts and Carol Mitchell agreed to look at the Language Access Plans submitted by each county.

## E. Language Access Update

Ms. Carol Mitchell shared initiatives handled through the Administrative Office of the Courts in the language access arena. The Supreme Court issued Administrative Order 2011-96 which required all courts to evaluate current procedures regarding language access and produce and adopt a written Language Access Plan. Each plan should detail what happens when Limited English Proficient (LEP) speaking people go to various court proceedings and how they can acquire access to court proceedings.

The AOC has provided resources to the courts through various roles; such as training on interpreter issues in new judge orientation, the use of statewide language access bench cards and the statewide interpreter registry and listserv. The registry is a

database that courts can use to find interpreters. The listserv is an email distribution list of court staff that deal with interpreter issues and anyone on the listserv can email out a request for a language – specific interpreter and receive almost an immediate response. AOC also joined the National Consortium which gives us access to other states and their information regarding interpreters of rare languages. Additionally, courts have access to telephonic language line services available through the statewide contract procurement office, and a language identification card to be used at points of public contact.

AOC's role is more along the lines of resource consolidation, resource stratification and realistic assessment of what can each county can do to provide better services. AOC held a summit in June of this year, discussing language access which included a guest speaker from the Colorado AOC who had recent dealings with the Department of Justice on the language access deficiencies for the state of Colorado. A Code of Ethics for Interpreters was one project that came out of this summit and we have recently started a workgroup to begin development. Document translation is another area we hope to look at in the future and evaluate resource consolidation in this area as well.

Most interpreters for lesser languages reside within Maricopa County or the larger metro areas which increases interpreter costs due to long travel times. AOC is considering a remote video interpreting pilot project with other outlying counties. By having an interpreter video conference room at the AOC, we hope to greatly reduce costs to the courts through the use of as technology a tool for interpreters which has been successful in both Maricopa County and Florida Courts.

The National Center of State Courts is hosting a National Language Access summit in October and Arizona is sending five representatives from our state who will participate. Carol will share any updates regarding language access in the future.

#### III. Old Business

#### A. Victim ID Protection Rule petition update

Hon. Ron Reinstein, discussed activities of the Victim ID Protection workgroup and the rule petition continuance timeline of the Supreme Court. The continuance gave us time to meet with media to review the petition and any objections to the proposal. Specifically, the media's position is that the victim should have to "opt in" vs. "opting out". COVIC wants to automatically use initials unless the victims choose to opt out of this protection. There is also discussion on deceased child victims and should that victim have the same right as other victims considering most victim families want the child's name known for use of bringing attention to the case or issue. Also discussed Form 4's which may have the victim's name which can be redacted; however, if it is submitted as part of the case file with the victim's name intact it then becomes part of the official court record. Another meeting is set for October 4<sup>th</sup> with another possible tweaking of the petition. The petition must be revised by November 16<sup>th</sup> to make it to

the December 8<sup>th</sup> rules agenda. We may ask for a delayed implementation to allow court entities across the state to prepare.

A motion was sought to give the authority to the workgroup to work toward resolution of this issue on behalf of COVIC. Motion was seconded and passed.

#### IV. Other Business

#### A. Good of the Order/Call to the Public

Captain Larry Farnsworth is working on victims issues with the county attorney's office for victims to be heard. He may propose a "Form 5" for victims only which would be similar to a "Form 4" and might include a victim's preferred method of contact, do they want to make a statement, etc. This would be an opportunity to help fill the gap in the system regarding initial appearance notification and victim safety issues. This would be something that law enforcement would collect with the Form 4 as part of the documentation process.

Judge Reinstein suggested that Keli Luther and Captain Farnsworth put a proposal together to submit to the committee at the next meeting for a potential workgroup project.

Kirstin Flores, Arizona Attorney General's Office announced the law enforcement training for Victims' Rights 101, advance training and schedule is posted on the Attorney General's website. We plan to have a section focused on the initial arrangement hearing training for victims' in the future on AZPost. It is not mandatory for police officers; however, they will be able to receive credit for attending.

**B. Motion:** To adjourn at 12:10pm. Motion was seconded and passed.

#### C. Next Committee Meeting Date:

Friday, January 25, 2013 10:00 a.m. to 12:00 p.m. State Courts Building, Room 119 A/B 1501 W. Washington St., Phoenix, AZ 85007